

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

JERAMIE JOSEPH ALGIERI,	)	
	)	
Plaintiff,	)	
vs.	)	NO. CIV-18-0952-HE
	)	
BRYAN JONES, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

Plaintiff Jeramie Joseph Algieri, a state pre-trial detainee appearing *pro se* and *in forma pauperis*, filed this § 1983 action alleging violations of the Eighth Amendment for inadequate medical care and the denial of access to cleaning supplies. Pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), the matter was referred to Magistrate Judge Gary M. Purcell for initial proceedings. After conducting an initial review of the complaint pursuant to 28 U.S.C. §§ 1915A and 1915(e)(2)(B), Judge Purcell has issued a Report and Recommendation recommending that this action be dismissed.

The Report advised plaintiff of his right to object to the Report by January 29, 2019. Plaintiff did not object by that date, however, he did file a change of address that was dated January 28, 2019. The Report was then sent to plaintiff's new address on February 5, 2019. Plaintiff has now filed a Motion to Compel [Doc. # 24] seeking assistance in obtaining *in forma pauperis* status which is moot given that the order granting leave to proceed *in forma pauperis* [Doc. # 15] was entered back in December. Thus, plaintiff has failed to object to the Report thereby waiving his right to appellate review of the factual and legal issues it addressed. Casanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010).

Accordingly, the court **ADOPTS** the Report and Recommendation [Doc. # 18].  
Plaintiff's claims are **DISMISSED** without prejudice.

**IT IS SO ORDERED.**

Dated this 27th day of February, 2019.



JOE HEATON  
CHIEF U.S. DISTRICT JUDGE